

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

JEROME C. WOODS,	)	
Petitioner,	)	
	)	
v.	)	Civil Action No. 08-1151
	)	
FAYETTE COUNTY COURT, et al.,	)	
Respondents.	)	

Report and Recommendation

I. Recommendation:

It is respectfully recommended that the petition for a writ of habeas corpus submitted by Jerome C. Woods, be dismissed, without prejudice, for failure to exhaust the available state court remedies and because no reasonable jurist could conclude there is a basis for federal relief at this time, that a certificate of appealability be denied.

II. Report:

Jerome C. Woods, has presented a petition for a writ of habeas corpus in which he seeks to challenge his denial of a speedy trial by the Court of Common Pleas of Fayette County, Pennsylvania. In an Order dated August 20, 2008, Woods was advised that such a matter is more appropriate raised in the Court of Common Pleas, but that if he desired to proceed in federal court, he complete the appropriate forms adopted by this Court and submit them with the appropriate filing fee or forma pauperis application within ten days.

In our August 20, 2008 Order we also advised the petitioner that if he failed to “submit the forms within the time limit set forth ... the Court shall construe such lack of action as his

consent to dismissing the pending petition without prejudice.” That time has now expired and the petitioner has not made any submissions. According, it is recommended that the petition of Jerome C. Woods for a writ of habeas corpus be dismissed, without prejudice, and because no reasonable jurist could conclude there is a basis for federal relief at this time, that a certificate of appealability be denied.

Within thirteen (13) days after being served, any party may serve and file written objections to the Report and Recommendation. Any party opposing the objections shall have seven (7) days from the date of service of objections to respond thereto. Failure to file timely objections may constitute a waiver of any appellate rights.

Respectfully submitted,

s/Robert C. Mitchell,  
United States Magistrate Judge

Entered: September 3, 2008